

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

JAMES T.,

Case No. 1:24-cv-01136

Plaintiff,

Hon. Jane M. Beckering
U.S. District Judge

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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REPORT AND RECOMMENDATION

This Report and Recommendation addresses Plaintiff's letter to the Court to dismiss his case. (ECF No. 14.)

On October 30, 2024, Plaintiff filed a complaint against the Commissioner of Social Security appealing the decision denying Plaintiff's request for Social Security disability benefits (ECF No. 5-2, PageID.37-46). (ECF No. 1). On December 30, 2024, the Court issued a Notice directing the parties to file briefs. (ECF No. 7.) Plaintiff's initial brief was due by January 29, 2025. (*Id.*) Plaintiff failed to file an initial brief.

On April 9, 2025, the Court issued an order to show cause why the case should not be dismissed due to Plaintiff's failure to prosecute this action. (ECF No. 12.) At that point, Plaintiff had not identified any errors in the Administrative Law Judge's decision or any basis for an appeal of the decision. Plaintiff filed a response indicating that he was unaware that he needed to file an initial brief.

Accordingly, the Court entered a second briefing order, requiring Plaintiff to file an initial brief by May 2, 2025. (ECF No. 13.) The order stated that “[f]ailure to adhere to this briefing schedule will result in a recommendation to dismiss this case.” (*Id.*)

On May 2, 2025, Plaintiff filed a letter with the Court indicating that he is dismissing his social security case. (ECF No. 14.)

Accordingly, it is recommended that the Court dismiss Plaintiff’s complaint.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3(b). Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

Dated: May 12, 2025

/s/ Maarten Vermaat
MAARTEN VERMAAT
U.S. MAGISTRATE JUDGE